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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,741	01/04/2002	David Betz	019223-001410US	3598
22434	7590	11/03/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP				REKSTAD, ERICK J
P.O. BOX 778				ART UNIT
BERKELEY, CA 94704-0778				PAPER NUMBER
				2613

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/040,741	BETZ ET AL.
	Examiner	Art Unit
	Erick Rekstad	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 January 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This is a first action for application no. 10/040741 filed on January 4, 2002 in which claims 1-20 are presented for examination.

Claim Objections

Claim 11 is objected to because of the following informalities: The claim states "consisting of and add" on line 2. The claim should state "consisting of an add". Further on line 6 the claim states "and/or and add". The claim should state "and/or an add". Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9, 10 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,408,128 to Abecassis.

[claim 1]

Abecassis teaches the segmenting of video based on the video content in order to provide a screenwriter with the freedom to cover a wider range of expression and story line without the concern for the limitations inherent in first generation linear programs (Col 15 Lines 43-67). As shown in Figures 5A-5E, the method includes identifying a segment of a video title (501), providing an annotation associated with the segment of the video title (501), ^{See e} formatting the annotation as a computer readable op-

code (506); and storing the computer readable op-code as part of a commentary associated with the video title (506) (Col 15 Line 58-Col 16 Line 43, Col 18 Lines 19-35).

[claim 2]

Abecassis further teaches the commentary (video map) is executable by a computer to provide an enhanced version of the video title (Col 16 Line 25-35, Col 21 Lines 31-45).

[claim 3]

Abecassis teaches that the method is performed on multiple video titles (scenes). Each segment of the scene is given an annotation. The annotation is formatted and stored in the commentary (Col 15 Lines 43-57, Col 16 Lines 25-43).

[claim 4]

Abecassis teaches the storing of the commentary on a DVD with the first and second video titles (Col 18 Lines 19-29).

[claim 5]

As shown above, Abecassis teaches the method of providing an annotation for each segment of each video title (scene). Abecassis further teaches the identifying of multiple segments for a scene (Col 16 Lines 1-35). As shown in Figures 6A-6D, Abecassis teaches the use of the annotations for each segment of a scene to produce a variable content video (Col 19 Line 63-Col 21 Line 45).

[claims 9 and 10]

Abecassis teaches the use of a video editing system to produce the video map.

The editing system contains a keyboard (Col 22 Line 36-Col 23 Line 67, Fig. 6E).

[claim 18]

As shown in Figure 1, Abecassis teaches a system comprising a memory storage device comprising a commentary and a video title (101) and a microprocessor (111) for retrieving portions of the commentary and portions of the video title for display (Col 6 Lines 46-55, Col 8 Lines 26-33).

[claim 19]

Abecassis further teaches the presentation comprises a frame from the video title overlaid with graphics (Col 18 Lines 19-46).

[claim 20]

Abecassis further teaches the use of additional information for changing the viewing of the video (Col 17 Lines 40-50). Using this information the video can be altered based on the users preferences (Col 17 Line 51- Col 18 Line 19). As stated by Abecassis this includes audio (Col 18 Lines 19-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,408,128 to Abecassis.

[claims 6, 7, and 8]

Abecassis teaches the editing of video to produce a variable content video architecture. Abecassis further teaches the editing of the same segment by copying the code for the segment, pasting the code for a different content level and editing the parameters for the new content level (Col 23 Lines 39-45). The code is then compiled for use (Col 23 Lines 45-53). Abecassis further teaches the commentary is stored on a DVD (Col 18 Lines 19-28). Abecassis does not specifically teach the reverse compiling of the commentary. It is well known in the art to reverse compile system code in order to provide the code in a human readable format for editing (Official Notice). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for reverse compiling commentary in order to allow a human to easily edit the code.

Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis as applied to claim 1 above, and further in view of US Patent 5,607,356 to Schwartz.

[claims 11-14]

As shown above for claim 1, Abecassis teaches the use of a video map to allow for varying versions of a film based on users preferences (Col 15 Line 58-Col 16 Line 43, Col 18 Lines 19-35). Abecassis does not teach the varying of the film as being interactive while the film is playing. Schwartz teaches the providing of game code on

the disk for use by the user to play an interactive video (Col 2 Lines 11-36, Figs. 4 and 5). Schwartz further teaches the use of graphics, sound or vista points with the program (Col 7 Lines 49-57, Col 9 Lines 15-22, Col 12 Lines 1-23, Fig. 7). Schwartz further teaches the program code uses if-then-else code to determine the steps to take in the interactive film Col 6 Line 40- Col 7 Line 47). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the varying film method of Abecassis with the use of if-then-else code to parse the commands in order to provide an interactive film as taught by Schwartz.

[claims 15-17]

As shown above Abecassis and Schwartz teach the use of verbal, graphic and vista point commands. Abecassis further teaches a creating stage for producing the variable content video as required by claim 15 (Col 22 Line 36-Col 24 Line 5). Schwartz further teaches the use of the commands for providing a gaming program in order to produce an interactive film (Col 2 Lines 11-35). Both Abecassis and Schwartz teach the use of a device to present the altered video, as shown in citations above. Abecassis and Schwartz do not teach the use of an emulator to present the commentary to the display. It is well known in the art to review the alterations made by the programmer in order to determine if the alterations provide the desired affect (Official Notice). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the editing system of Abecassis with an emulator of the media player in order to determine if the alterations provided the desired affect.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,108,042 to Adams et al.

US Patent 5,692,212 to Roach.

US Patent 5,109,482 to Bohrman.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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